

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAMON L. SMITH,

Plaintiff,

v.

CASE NO. 04-74233

HON. LAWRENCE P. ZATKOFF

BLAINE LAFTER,

Defendant.

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ORDER

This matter is currently before the Court on Magistrate Judge Morgan's Amended Report and Recommendation in which the Magistrate Judge recommends that Plaintiff's Motion for Certificate of Appealability be denied. Plaintiff filed an objection to the Amended Report and Recommendation on May 22, 2006.

After a thorough review of the court file, Plaintiff's and Defendant's motions, Plaintiff's objection, and the Amended Report and Recommendation, this Court ADOPTS the Amended Report and Recommendation and enters it as the findings and conclusions of this Court. Accordingly, the Court HEREBY DENIES Plaintiff's Motion for Certificate of Appealability.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: May 30, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 30, 2006.

s/Marie E. Verlinde

Case Manager

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